

LATISHEA WAGGONER, )  
 )  
 Plaintiff, )  
 ) Civil No. 3:05-0590  
 v. ) Judge Trauger  
 ) Magistrate Judge Griffin  
 SPHERION, )  
 )  
 Defendant. )

On August 4, 2005, the Magistrate Judge issued a Report and Recommendation, recommending that process issue to the defendant on the plaintiff's claim of race discrimination but that her claims of retaliation and under the Age Discrimination in Employment Act be dismissed. (Docket No. 3) The plaintiff has filed an objection to the dismissals contained within the Report and Recommendation. (Docket No. 4)

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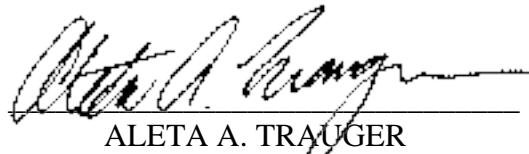
protected activity. Again, she alleges that she was terminated “for violating a company policy that was the standard way of doing business since my employment had begun.”

Because the Magistrate Judge’s conclusions are correct that the plaintiff has not adequately alleged a claim of retaliation or a claim under the Age Discrimination in Employment Act (something that the plaintiff does not dispute in her Objection), the Report and Recommendation is **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that process shall issue to the defendant on the plaintiff’s claim of race discrimination, but the plaintiff’s claims for retaliation and under the Age Discrimination in Employment Act are **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B) for lack of an arguable legal basis.

This case is returned to the Magistrate Judge for further handling under the original referral Order.

It is so **ORDERED**.

ENTER this 25<sup>th</sup> day of August 2005.



Aleta A. Trauger  
U.S. District Judge